

revised May 2001

Date Plea Scheduled: TBD

Approved: _____ **Date:** _____

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Norfolk Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 2:03cr
)	
CRAIG LEWIS RUNYON)	

PLEA AGREEMENT

Paul J. McNulty, United States Attorney for the Eastern District of Virginia, and Robert J. Krask, Assistant United States Attorney, and the defendant, CRAIG LEWIS RUNYON, and the defendant's counsel, J. Brian Donnelly, pursuant to Rule 11(c) of the Federal Rules of Criminal Procedure, have entered into the following agreement:

1. The defendant, CRAIG LEWIS RUNYON, agrees to waive indictment and to plead guilty to a two-count criminal information. Count one charges the defendant with using unauthorized access devices in violation of Title 18, United States Code, Section 1029(a)(2). The maximum penalty for this offense is a term of ten (10) years of imprisonment, a fine of \$250,000, full restitution, a special assessment, and three (3) years of supervised release. Count two charges the defendant with mail fraud in violation of Title 18, United States Code, Section 1341. The maximum penalty for this offense is a term of five (5) years of imprisonment, a fine of \$250,000, full restitution, a special assessment, and three (3) years of supervised release. The defendant is aware that these supervised release terms are in addition to any prison term the defendant

may receive, and that a violation of a term of supervised release could result in the defendant being returned to prison for the full term of supervised release.

2. Before sentencing in this case, the defendant agrees to pay a mandatory special assessment of one hundred dollars (\$100.00) per count of conviction for a total special assessment of two hundred dollars (\$200.00).

3. The defendant agrees to the entry of a Restitution Order for the full amount of the victims' losses and acknowledges that the payment of restitution is mandatory. At this time, the Government is aware that the following victims have suffered the following losses:

(Victim's Name)	(Amount of Restitution)
Nancy Lewis	To Be Determined
American Express	To Be Determined
Juniper Bank	To Be Determined

4. The defendant is aware that the defendant's sentence will be imposed in accordance with the Sentencing Guidelines and Policy Statements. The defendant is aware that the Court has jurisdiction and authority to impose any sentence within the statutory maximum set for the offenses to which the defendant pleads guilty. The defendant is aware that the Court has not yet determined a sentence. The defendant is also aware that any estimate of the probable sentencing range under the sentencing guidelines that the defendant may have received from the

defendant's counsel, the United States, or the probation office, is a prediction, not a promise, and is not binding on the United States, the probation office, or the Court. The United States makes no promise or representation concerning what sentence the defendant will receive, and the defendant cannot withdraw a guilty plea based upon the actual sentence. The defendant is aware that Title 18, United States Code, Section 3742 affords a defendant the right to appeal the sentence imposed.

Acknowledging all this, the defendant knowingly waives the right to appeal any sentence within the maximum provided in the statutes of conviction (or the manner in which that sentence was determined) on the grounds set forth in Title 18, United States Code, Section 3742 or on any ground whatever, in exchange for the concessions made by the United States in this plea agreement. This agreement does not affect the rights or obligations of the United States as set forth in Title 18, United States Code, Section 3742(b).

5. With the exception of crimes of violence presently unknown to the United States, the United States will not further criminally prosecute the defendant in the Eastern District of Virginia for the conduct described in the criminal information and for other violations of federal criminal laws which are presently known to the United States. Except where specifically noted, this plea agreement binds only the United States Attorney's Office for the Eastern District of Virginia and the

defendant; it does not bind any other prosecutor in any other jurisdiction.

6. This written agreement constitutes the complete plea agreement between the United States, the defendant, and the defendant's counsel. The United States has made no promises or representations except as set forth in writing in this plea agreement. The defendant acknowledges that no threats have been made against the defendant and that the defendant is pleading guilty freely and voluntarily because the defendant is guilty. Any modification of this plea agreement shall be valid only as set forth in writing in a supplemental or revised plea agreement signed by all parties.

7. Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all rights with respect to the pending criminal information. Further, I fully understand all rights with respect to the provisions of the Sentencing Guidelines and Policy Statements which may apply in my case. I have read this plea agreement and carefully reviewed every part of it with my attorney. I understand this agreement and I voluntarily agree to it.

Date: _____

CRAIG LEWIS RUNYON
Defendant

8. Defense Counsel Signature: I am counsel for the defendant in this case. I have fully explained to the defendant the defendant's rights with respect to the pending criminal information. Further, I have reviewed the provisions of the

Sentencing Guidelines and Policy Statements and I have fully explained to the defendant the provisions of those Guidelines which may apply in this case. I have carefully reviewed every part of this plea agreement with the defendant. To my knowledge, the defendant's decision to enter into this agreement is an informed and voluntary one.

Date: _____

J. Brian Donnelly
Counsel for the Defendant

Respectfully submitted,

Paul J. McNulty
United States Attorney

By:

Robert J. Krask
Assistant United States Attorney

APPROVED:

Michael R. Smythers
Supervisory Assistant
United States Attorney

Date: _____

U. S. DEPARTMENT OF JUSTICE
Statement of Special Assessment Account

This statement reflects your special assessment only. There may be other penalties imposed at sentencing.

ACCOUNT INFORMATION	
CRIM. ACTION NO.:	2:03cr
DEFENDANT'S NAME:	Craig Lewis Runyon
PAY THIS AMOUNT:	\$200.00

INSTRUCTIONS:

1. MAKE CHECK OR MONEY ORDER PAYABLE TO:
CLERK, U.S. DISTRICT COURT
2. PAYMENT MUST REACH THE CLERK'S OFFICE BEFORE YOUR SENTENCING DATE
3. PAYMENT SHOULD BE SENT TO:

	In person (9 AM to 4 PM)	By mail:
Alexandria cases:	Clerk, U.S. District Court 401 Courthouse Square Alexandria, VA 22314	
Richmond cases:	Clerk, U.S. District Court 1000 E. Main Street, #307 Richmond, VA 23219	
Newport News cases:	Clerk, U.S. District Court 101 - 25 th Street, 2 nd Floor Newport News, VA 23607	Clerk, U.S. District Court P. O. Box 494 Newport News, VA 23607
Norfolk cases:	Clerk, U.S. District Court 600 Granby Street Norfolk, VA 23510	

4. INCLUDE DEFENDANT'S NAME ON CHECK OR MONEY ORDER
5. ENCLOSE THIS COUPON TO INSURE PROPER and PROMPT APPLICATION OF PAYMENT